

**PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF SEPTEMBER 28, 2004.**

**ATTENDANCE**

**COUNCIL:** Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

**ABSENT:** None

**COUNCIL STAFF:** Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

**ADMINISTRATIVE STAFF:** L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel)

**COMMENCEMENT**

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of September 28, 2004 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(025) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**

No report.

**CEREMONIAL PRESENTATIONS**

(TAPE 1)(SIDE A)(027) AGENDA ITEM NO. 4: **Recognitions**

The Chair recognized Dr. Charles Boustany, candidate for Congressman of the 7<sup>th</sup> Congressional District.

*AGENDA ITEM NO. 13 WAS TAKEN OUT OF SEQUENCE.*

**Discussion**

(TAPE 1)(SIDE A)(075) AGENDA ITEM NO. 13: Drug solicitation & unveiling of the new programs to help neighborhoods.

Marcus Bruno, CJSS Administrator, presented the program to the Council stating this would deter individuals from soliciting and purchasing drugs in neighborhoods.

**PUBLIC HEARING**

(TAPE 1)(SIDE A)(110) AGENDA ITEM NO. 5: Convene the public hearing and Board of Review for all persons desiring to be heard on the assessed value of both real and personal property.

It was determined that the protests of Ronald Morgan and Ronnie Foremen would not be considered due to incomplete forms.

Conrad Comeaux, Assessor, explained the following:

Assessment Appeal Process:

- A taxpayer can appeal their assessment with the Tax Assessor's office.
- If they do not agree with the Assessor's findings, they can appeal to the Board of Review (which is the Parish governing authority).
- The Lafayette City-Parish Council then sits as a Board of Review to hear the cases and determine whether they agree with the value that the Assessor sets or the taxpayer's requested value.
- If either the taxpayer or the Assessor does not agree with the findings of the Council, then either party can appeal the decision to the State Tax Commission.
- The State Tax Commission then does a similar function as the Council, sits as a Board of Review, and makes a decision as to which value they deem appropriate.
- If either party disagrees with the finds of the Tax Commission, then either party can appeal this through the Court system.

How to determine an Assessment:

- The State Tax Commission provides the guidelines for how to do reassessing, or assessing of property in general.
- For reassessment purposes, in this case this year, they said the property is to be valued as of January 1, 2003.
- The Assessor's office monitors the sales of residential and commercial properties in the Parish and looks at the sales specifically six months prior to and six months after January 1, 2003 to determine what the values are. This is done Parish-wide but on a neighborhood basis so that a house in one neighborhood on one side of Johnston St., in this particular area, may not be valued as the same house on the other side of Johnston St. because properties sell for different values in different places.
- The Assessor looks at the sales in that neighborhood and determines how much property has increased or decreased in value in that neighborhood of similar properties and then applies a percentage increase or decrease to the properties that did not sell, as well as the properties that did sell to bring them up to within 10% of their fair market value.
- Louisiana is assessed on residential land and buildings at a 10% value. So, if a house sells for \$100,000 and the fair market value is \$100,000, the assessed value would then be 10% of that amount so \$10,000 would be referred to as the "assessed value".

Upon questioning by Broussard, Comeaux explained that the Louisiana Tax Commission, when considering an appeal, uses the Council's action as part of the evidence. The Tax Commission uses its own appraisers to determine value, along with the recommendations of the Parish Assessor.

Benjamin then stated he felt there was inconsistency with assessments in some areas of the Parish. Comeaux agreed but explained that the Assessor's office does not have the computer ability that would allow them to correct those ills. They are in the process of getting the program but not in time for this particular reassessment. The current system only allows changes by percentages.

Comeaux then explained the three approaches used in determining the assessment:

*Cost approach* – what would it cost to build the same structure minus any depreciation that may have occurred over time?

*Market approach* – what would that property sell for in the open market in an arms-length transaction?

*Income approach* – used for income producing properties, such as apartment complexes, where the Assessor analyses the income streams and then determines a value based on that.

He further explained that the income approach is determined by the potential gross income, which is what that property would generate in revenue if it were 100% occupied. Then the market vacancy loss (7% for most complexes) and the operating expenses (approximately 40%) are subtracted from the potential gross income. This gives a *net operating income* divided by a

capitalization rate (the cost of money plus the risk involved plus the local tax rate added together). This indicates the market value.

**Assessment protests submitted for Council consideration:**

A motion was offered by Broussard to approve the apartment complexes reassessment requests, in-globo. There being no second, the motion died.

1. A motion was offered by Williams, seconded by Stevenson to deny the appeal by Metra Harpers Ferry Partnership, and the vote was as follows:  
 YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard  
 NAYS: Broussard  
 ABSENT: None  
 ABSTAIN: None  
*Motion to deny was approved.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
1-Metra Harpers Ferry Partnership P. O. Box 560807 Dallas, TX 75356	326 Guilbeau Rd. Lafayette, LA	00066329	\$ 3,466,740	\$ 2,800,000	Denied

2. A motion was offered by Broussard, seconded by Benjamin to uphold the Assessor's assessments, in-globo. Legal Counsel opined that this motion was permissible. Due to the confusion of the motion, Benjamin withdrew his second.
3. Tom Sekhani, owner, explained that the assessment has been increased by 30%. If this increase is passed on to the renter, their rent will go up \$35 to \$40 per unit. This will force him out of business. Renters will be able to buy homes for the rent they are paying. He argued that Pecan Terrace is located in a depressed area of the city and he can not attract renters like other complexes can. Upon questioning by the Council, Sekhani stated he did not have an appraisal done because of the cost. His complex is insured for \$1,800,000.

Comeaux rebutted that the market determines the values. The value of every apartment complex is intricately tied to its rent. The rent charged at Pecan Terrace determined the price because that's what people are willing to pay for the rent in his complex. This is the rent for each apartment for one year minus the vacancy rate and expenses to determine the value.

A motion was offered by Benjamin, seconded by Broussard to grant the appeal by Tom Sekhani dba Pecan Terrace Apartments.

A substitute motion was offered by Stevenson to deny the appeal. There being no second, the substitute motion failed.

- The Chair then called for a vote on the original motion, and the vote was as follows:  
 YEAS: Williams, Benjamin, Broussard, Mouton  
 NAYS: Badeaux, Conque, Stevenson, Menard  
 ABSENT: Bourgeois  
 ABSTAIN: None  
*Motion to grant the appeal failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
2-Tom Sekhani dba Pecan Terrace Apts. 242 Woodrow St. Lafayette, LA 70506	242 Woodrow Lafayette, LA	00063930	\$ 241,754	\$ 189,820	Denied

4. Comeaux explained that the fair market value was set at 12,900 and Mr. Brasseaux is requesting that it be raised to \$48,000.

Brasseaux explained that the square footage shown in the Assessor's office is approximately 150 square feet short. According to the assessment, this puts his home value at \$6.00 per square foot. He stated that the house next to him, which can not be used in this assessment, is assessed between \$38 and \$40 per square foot. He then gave other comparables in his area. He also mentioned that his home was located in a corridor

subject to expropriation. He requested that his property be placed at \$48,000 fair market value. Brasseaux did not have a current appraisal on his property.

Comeaux pointed out that this was a prime example of a house assessed too low to begin with and continued to be underassessed. If the market approach was used, the most comparable house to Brasseaux was sold at \$40,000 or \$29.63 per square foot. If it were applied to Mr. Brasseaux's square footage, his value would be \$42,667. Comeaux agreed that this was more like the current fair market value.

A motion was offered by Williams, seconded by Benjamin to deny the appeal by Patrick Brasseaux.

A substitute motion was offered by Stevenson, seconded by Badeaux to set the Fair Market Value of Mr. Brasseaux's property at \$42,667, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams, Benjamin

ABSENT: none

ABSTAIN: none

*Motion was approved.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
25-Patrick Brasseaux 306 Monroe St. Lafayette, LA 70501	306 Monroe St. Lafayette, LA	00047762	\$ 1,290	\$ 4,800	Fair Market Value set at \$4,270.

5. Comeaux stated that these apartment complexes were all assessed on the income approach.

Montesano stated that he did not have current appraisals. He argued that a 30% increase was entirely too much for apartment complexes. He stated that the assessments were from January 1, 2003, but the assessor did not take into account the damage caused by Hurricane Lili. At that time, he had 70% vacancy due to the damage from the hurricane and this was not taken into consideration.

Comeaux rebutted that Hurricane Lili struck Lafayette Parish in the first week of October, 2002 causing damage to both residential and commercial property. No valuation appeals were presented in 2002 or 2003 and no apartment owner requested tax relief. The rent information was submitted by the complex management after January 1, 2003 and the rents and vacancies were to be as of January 1, 2003. He further stated that the Chateau Des Lions complex is one of the newest complexes. According to the income approach it is valued at \$9,150,000 just for the construction. To reconstruct the same building, the cost would be \$14,000,000.

A motion was offered by Stevenson, seconded by Conque to deny the 3 appeals by John Montesano.

A substitute motion was offered by Broussard, seconded by Williams to grant the 3 appeals, and the vote was as follows:

YEAS: Williams, Broussard, Mouton

NAYS: Badeaux, Bourgeois, Conque, Stevenson, Menard

ABSENT: Benjamin

ABSTAIN: None

*Motion to grant the appeal failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
26-John Montesano 5711 Johnston St. Lafayette, LA 70503	Acadiana House Apts.	00073903	\$ 275,303	\$ 194,350	Denied
27-John Montesano 5711 Johnston St. Lafayette, LA 70503	Willow Bend Apts.	00067563	\$ 317, 156	\$ 210,785	Denied
28-John Montesano 5711 Johnston St. Inc. Lafayette, LA 70503	Chateau Les Lions,	00114129	\$ 915,019	\$ 724,053	Denied

6. A motion was offered by Bourgeois, seconded by Mouton to deny the appeal by Emberwood Apartments, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: Broussard  
 ABSENT: Williams, Benjamin  
 ABSTAIN: None

*Motion to deny the appeal was approved.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
29-Emberwood Apt. 100 South Meyers Lafayette, LA 70508	Emberwood Apts.	00030707	\$ 928,400	\$ 750,372	Denied

7. A motion was offered by Broussard to grant the appeal by Himbola Manor Apartments. The motion died for lack of a second.

A motion was offered by Mouton, seconded by Stevenson to deny the appeal, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: Broussard  
 ABSENT: Williams, Benjamin  
 ABSTAIN: None

*Motion to deny was approved.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
30-Himbola Manor, Ltd. c/o Marvin F. Poer & Co. 13201 Northwest Pkwy #550 Houston, TX 77040	Himbola Manor 804 Martin Luther King, Jr. Drive	00040353	\$ 242,642	\$ 220,661	Denied

8. Item No. 31 was pulled at the request of the appellant.

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
31-Kenneth P. Logan 216 Countryview Youngsville, LA 70492	residential 216 Countryview	00070551	\$ 16,660	\$ 140,000	--

9. A motion was offered by Stevenson, seconded by Mouton to deny the appeal by Louisiana Villa Lake LTD, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Stevenson, Menard

NAYS: Broussard, Mouton  
 ABSENT: Williams, Benjamin  
 ABSTAIN: None

*Motion to deny was approved.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
32-LA. Villa Lake LTD 380 Union St., Ste 300 West Springfield, MA 01089	2700 Amb. Caffery Diamond Lakes Apts.	00044679	\$ 963,366	\$ 721,000	Denied

10. Comeaux explained that this property was located in River Ranch.

Ms. Vallery explained that in January, 2003 her property was assessed at \$410,000 and she was not in her home yet. She only paid \$400,000 for it and was able to get the Assessor to bring it down to \$400,000. She then gave comparables in her immediate area to show the inequity in the assessments. She did not have a current appraisal.

Comeaux stated that when the development was started, there were no sales to determine the price per square foot to determine the values so building costs were used. The homes were then, subsequent to that, sold at a much higher rate per square foot than assessed for originally, again, a prime example of the percentage increase. If one is too low to begin with then one does not get bumped up. It has been determined by the Assessor's office that there are some problem areas in River Ranch Subdivision. In comparing Ms. Vallery's home with other sales, the sale was \$155.41 per square foot, making her value at \$459,858. Evidently, the assessment was too low to begin with but it was left at \$400,000.

A motion was offered by Broussard, seconded by Badeaux to grant the appeal by Pat Vallery, and the vote was as follows:

YEAS: Badeaux, Williams, Broussard  
 NAYS: Bourgeois, Benjamin, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

*Motion to grant the appeal failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
33-Pat Vallery 102 Arabella Lafayette, LA 70508	102 Arabella Lafayette, LA	00105794	\$ 40,000	\$ 28,907	Denied

11. John Stockmeyer, Real Estate Tax Group, LLC, represented Pinewood Apartments. He stated that he disagreed with the Assessor regarding the expenses. In the last seven years, this complex has not had an expense ratio below 50%. The Assessor used 40%.

Comeaux argued that 46% rate for expenses was used because the buildings are made primarily of wood. He rebutted that the income statements received included real estate taxes and management fees. Under the income approach, these are non-allowable expenses.

A motion was offered by Broussard, seconded by Williams, to grant the appeal by Pinewood Apartments, LLC, and the vote was as follows:

YEAS: Badeaux, Williams, Broussard,

NAYS: Bourgeois, Benjamin, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

*Motion to grant the appeal failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
34-Pinewood Apts. LLC 223 E. Delaware Chicago, IL 60611	Pinewood Apts. 90 Luke St. N.	00057431	\$ 364,437	\$ 300,000	Denied

12. Larry Bankston, representing the owner, stated that the previous assessment on this property was appealed and maintained. Now, a 69% reassessment increase has been incurred. The Assessor used a vacancy factor of 7% and the vacancy factor for this complex was 10%. The expense ratio used by the Assessor was 44% and the actual expense for this complex was 54%. In closing, Bankston offered that the net operating income (actual) was \$970,000. The Assessor's office had it listed at \$1,280,000, and it did not take into consideration the actual vacancy factors and expenses in effect.

Comeaux rebutted that in 2001 this apartment complex appealed, the Council upheld the Assessor's decision and it was appealed to the Tax Commission. At the Tax Commission level, the owners of the complex informed the Assessor that the square footages used were incorrect because they advertise a square footage that is larger than the room actually is. The square footage included the balcony. In discussing this with the Tax Commission, the Assessor was asked, if indeed those square footages are a certain percentage less, would he agree to change the assessed value. In his haste he said yes. Unfortunately, it affected the assessed value when using the market approach and the cost income. It has no affect on the income approach and the value he had set was the correct value in the first place. This year, he is again setting the value where the income says the value should be. He further stated that this apartment complex is getting \$200 more per unit than Emberwood Apartments and the amenities offered here are some of the top in the Parish. The replacement value is set at \$14,600,000. If you take the sale price per square foot that the lesser complexes are selling for, of \$47.00 per square foot, it comes to \$10,955,000. The Assessor has the value of \$10,669,000, the appropriate value.

A motion was offered by Broussard, seconded by Conque to grant the appeal by 1000 Associates, LLC (Peppertree Apts.), and the vote was as follows:

YEAS: Williams, Broussard, Mouton

NAYS: Badeaux, Bourgeois, Benjamin, Conque, Stevenson, Menard

ABSENT: None

ABSTAIN: None

*Motion to grant the appeal failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
35-1000 Associates, LLC 2600 Citi Place Dr., Ste 500 Baton Rouge, LA 70808	Peppertree Apt. 1000 Robley Dr.	00023896	\$1,066,914	\$ 811,900	Denied

13. Comeaux explained that this request is not an appeal of the assessed value. The taxpayer claims that he does not own this property.

Breaux argued that he should not have to pay taxes on land he does not own and a house that has been seized. He explained that the land had been inherited from his mother's family and the bank had seized his home for non-payment of a mortgage. He claimed he had paid out his mortgage in 1996, but the bank never released the mortgage.

A motion was offered by Bourgeois, seconded by Stevenson to deny the appeal by Paul Breaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: None

ABSTAIN: None

*Motion to deny the appeal was approved.*

Name & Address	Description of property	Assessm't Number	Original Assessment	Reassessment Requested	Council Action
36-Paul Edgar Breaux 107 Louveteaux Road Carencro, LA 70520	T8S, R4E, Sec 22	00018289	contends he does not own this property		Denied

14. James Colvin, representing the owners and the tenants of Item 37 through 41, stated they wanted to pay their fair share of the taxes. He explained that the expense ratio on these complexes run from 55% to 63%, the vacancies run 8% to 10% and the appraisals, on a percentage increase, is incorrect. Each complex should be considered individually, given the age.

Comeaux rebutted that the income approach takes the age of the complex into account and most of the complexes are several years old. The apartments themselves were not increased by percentages, solely by income.

A motion was offered by Broussard, seconded by Bourgeois to deny the appeal by Gallery Apartments, Park Place Apts., LTD, Beau Chenes Apt., LTD, Cagan Jeffrey Etal and Clarewood Apts., and the vote was follows:

YEAS: Badeaux, Bourgeois, Benjamin, Mouton, Stevenson, Menard

NAYS: Broussard

ABSENT: Williams, Conque

ABSTAIN: None

*Motion to deny was approved.*

Name & Address	Description of property	Assessm't Number	Original Assessment	Reassessment Requested	Council Action
37-Gallery Apartments 315 Guilbeau Road Lafayette, LA 70506	Gallery Apartments 4.323 acres	00035598	\$ 303,045	\$ 226,500	Denied
38-Park Place Apts. LTD 100 Belle Fontaine Dr. Lafayette, LA 70503	Apartment Place Apts 6.69 acres	00042111	\$ 497,276	\$ 359,580	Denied
39-Beau Chenes Apt. LTD PTN 2509 Johnston St. Lafayette, LA 70503	Beau Chenes Apts. 4.282 acres	00035599	\$ 231,876	\$ 191,160	Denied
40-Cagan Jeffrey Etal 810 S. College Road Lafayette, LA 70503	Archstone Apts. 3.08 acres	00023218	\$ 204,438	\$ 138,939	Denied
41-Clarewood Apts. 550 Eraste Landry Rd. Lafayette, LA 70506	Whispering Oaks Apt 3.358 acres	00035600	\$ 193,102	\$ 147,816	Denied

15. Comeaux requested that Items 3 – 24 be taken in-globo. He stated that he agrees with the taxpayers, however, he is bound to follow the Tax Commission rules in that these properties must be assessed according to the tables that are set.

A motion was offered by Bourgeois, seconded by Badeaux to grant the appeals (Appeals 3 through 24), in-globo, and the vote was as follows:

YEAS: Benjamin

NAYS: Badeaux, Bourgeois, Broussard, Mouton, Stevenson, Menard

ABSENT: Williams, Conque

ABSTAIN: None

*Motion to grant the appeals failed.*

<u>Name &amp; Address</u>	<u>Description of property</u>	<u>Assessm't Number</u>	<u>Original Assessment</u>	<u>Reassessment Requested</u>	<u>Council Action</u>
3-Azimuth Energy P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Spell Planting lease	00119907	\$ 182,500	\$ 72,154	Denied
4-Bayou Carencro Oil Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the F. A Broussard #1 lease	00097736	\$ 10,610	\$ 3,206	Denied
5-Bayou Carencro Oil Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the F. A Broussard #1 lease – SWD	00097738	\$ 5,600	\$ 2,542	Denied
6-Bayou Carencro Oil Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the W. B. Broussard #1 lease	00085227	\$ 2,490	\$ 950	Denied
7-Bayou Carencro Oil Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the F. A Broussard #2 lease	00082278	\$ 3,200	\$ 1,308	Denied
8-Condor Petroleum Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Trahan lease (well plugged and abandoned)	00087752	\$ 6,720	0	Denied
9-Condor Petroleum Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Domingue lease	00087754	\$ 53,490	\$ 14,886	Denied
10-Condor Petroleum Corp. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Ossun lease	00087757	\$ 13,330	\$ 9,515	Denied
11-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the J. Royer lease	00087763	\$ 100,300	\$ 36,608	Denied
12-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Declouet #2 lease	00087762	\$ 140,470	\$ 51,684	Denied
13-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the North Maurice field Homer Mouton SWD	00087761	\$ 5,900	\$ 1,886	Denied
14-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the North Maurice field – Conoco SWD	00091758	\$ 12,970	\$ 6,216	Denied
15-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the A. S. Guilbeau lease	00094075	\$ 116,460	\$ 41,927	Denied
16-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the North Maurice field	00004990	\$ 128,640	\$ 46,223	Denied
17-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Richard lease	00091743	\$ 28,820	\$ 18,905	Denied
18-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Scott field – R. E. Falcon Etal SWD	00093909	\$ 7,490	\$ 2,997	Denied
19-Hillcorp Energy Co P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the R. E. Falcon Etal 1/ R. E. Falcon Etal 2 leases Personal property Located at the North Maurice field – SWD System	00088679 00115192 00119915	\$ 528,060	\$ 195,683	Denied
20-Liberty Resources, Inc. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Scott field – Leodis Trahan SWD	00121013	\$ 6,500	\$ 2,760	Denied
21-Liberty Resources, Inc. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Stutes R. B. Sua; M.D.D. Dupont lease	00121014	\$ 54,730	\$ 13,881	Denied
22-Smith Production Co. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the C. P. Trahan lease	00114911	\$ 146,670	\$ 62,206	Denied
23-St. Mary Energy Co. P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Janin Etal lease	00120727	\$ 164,580	\$ 66,977	Denied
24-Tammany Oil & Gas LLC P. O. Box 1627 Henderson, TX 75653-1627	Personal property located at the Norris Clement Lease	00118353	\$ 47,490	\$ 33,646	Denied

## **RESOLUTIONS**

(TAPE 2)(SIDE B)(149) AGENDA ITEM NO. 6: R-062-2004 A resolution of the Lafayette

City-Parish Council to join with the National League of Cities in calling for a national commitment to ensure access to the American dream, motion to adopt by Benjamin, seconded by Mouton, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Badeaux, Mouton

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 2)(SIDE B)(208) AGENDA ITEM NO. 7: R-063-2004 A resolution of the Lafayette City-Parish Council expressing support of new multifamily housing units (Chicory Place Apartments), motion to adopt by Williams, seconded by Conque, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Badeaux, Benjamin, Stevenson

ABSTAIN: None

*Motion was unanimously approved.*

**The following individuals were recognized:**

Jack Tolson requested to speak only if the Council had questions of him.

Larry Baker requested to speak only if the Council had questions of him.

(TAPE 2)(SIDE B)(221) AGENDA ITEM NO. 8: R-064-2004 A resolution of the Lafayette City-Parish Council expressing support of new multifamily housing units (Cottages of Acadiana), motion to adopt by Williams, seconded by Conque, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Badeaux, Benjamin, Stevenson

ABSTAIN: None

*Motion was unanimously approved.*

**The following individuals were recognized:**

Jack Tolson requested to speak only if the Council had questions of him.

Larry Baker requested to speak only if the Council had questions of him.

**ORDINANCES FOR FINAL ADOPTION – ZONING**

(TAPE 2)(SIDE B)(232) AGENDA ITEM NO. 9: O-211-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the properties of Ronald J. Guidry and Richard St. Julien, Case No. Z2004-017 Cox Communications property rezoning, located generally north of Eraste Landry Road, east of Galbert Road, and southeast of Ambassador Caffery Parkway, from R-2 (Multi-Family Residential) to B-G (General Business), motion to adopt by Conque, seconded by Stevenson, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Badeaux, Benjamin

ABSTAIN: None

*Motion was unanimously approved.*

Jim Parker, Zoning Coordinator, explained this is approximately 2 acres of property along Eraste Landry Road. Cox Communication is proposing a development on this property and is requesting rezoning to B-G. The PZC staff and Planning Commission recommend this rezoning and there was no opposition to the request.

(TAPE 2)(SIDE B)(263) AGENDA ITEM NO. 10: O-212-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Steven Louis Mocek, Case No. Z2004-018 Steven Mocek/Christian Science property rezoning, located at 101 Acadian Drive and generally at the southern corner of the northern intersection of Acadian Drive and South College Road, from R-1-A (Single-Family Residential) to B-1-L (C) (Limited Business-Conditional), motion to deny the rezoning was offered by Benjamin. There being no second, Benjamin withdrew his motion. *The ordinance died for lack*

*of a motion and second.*

A substitute motion to deny the rezoning was offered by Conque, seconded by Stevenson. Conque withdrew motion.

Parker explained that this case came up when PZC discovered Mr. Mocek operating a business in a house on the corner of South College and Acadian Drive. The property is zoned Single Family Residential. Mocek was asked to correct the violation and he did. He is now requesting rezoning. PZC is not recommending commercial zoning on this side of South College Road even though there is commercial zoning across South College Road. The property sits on a road into a subdivision, whereas the properties on the other side do not enter into a subdivision. There was neighborhood opposition and the Planning Commission denied this request.

**The following individual was recognized:**

Bettie Soileau, neighborhood resident, urged defeat of the ordinance.

(TAPE 2)(SIDE B)(496) AGENDA ITEM NO. 11: O-213-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify property of Charles Castille Jr., Case No. Z2004-019 Charles Castille, Jr. property rezoning, located generally east and west of Louisiana Avenue, south of E. Pont Des Mouton Road, and north of Interstate 10, from R-2 (Multi-Family Residential) to B-G (General Business), motion to adopt by Benjamin, seconded by Bourgeois.

Bouy explained this is 45 acres north of the I-10 corridor and the request is to rezone from R-2 (multi-family residential) to B-G (General Business) except along Pont des Mouton where the La Bon Vie Apartments are already established (zoned R-2). The Planning Commission supports this request. She further stated that this was the last tract of land in this area to be approved before the moratorium. The application was submitted on July 7, 2004 and the Planning Commission approved the 6-month moratorium on July 19, 2004, with expiration on February 28, 2005.

Stevenson asked if there was any way the Council could bind this rezoning to the new overlay zoning district guidelines. Ottinger answered that conditional rezoning could be imposed; however, it can not be done conceptually. He added that if denied, this rezoning would have to sit two years before being initiated again, but a Councilmember could bring it back in six months.

Broussard commented that he did not think it was wise to place conditions on the Castille property. The Council should vote on this and let this individual continue with his project.

Benjamin then called for the question, seconded by Stevenson, and the vote was as follows:  
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Mouton, Stevenson, Menard  
NAYS: Conque  
ABSENT: None  
ABSTAIN: None  
*Motion was approved.*

The Chair then called for the vote on the motion, and the vote was as follows:  
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard  
NAYS: None  
ABSENT: None  
ABSTAIN: None  
*Motion was unanimously approved.*

**APPEALS**

(TAPE 3)(SIDE A)(067) AGENDA ITEM NO. 12: Consider an appeal of the Planning Commission's action concerning Cox Communication Subdivision. *Item was pulled from the agenda at the request of the appellant.*

**REPORTS AND/OR DISCUSSION ITEMS**

**Discussion**

(TAPE 3)(SIDE A)(073) AGENDA ITEM NO. 14: Annexations.

Bouy began by presenting to the Council an annexation profile since consolidation. The profile included the annexation name, the effective date, the Council District and the number of acres involved. Also included were pending annexations, attempted annexations since consolidation and a map showing the different phases of annexation in Lafayette Parish.

Upon questioning by Williams, Stanley stated that first a list of target areas will be developed (from requests by developers/subdivisions wanting annexation) by PZC. Then the areas contiguous to the corporate limits of the City must be identified, non-restrictive to north, south, east or west. The next probability might be an opinion of areas such as “most likely, favorable, or unfavorable” and then create another map showing what’s available, where LCG has requests and possibly where annexations have failed. Williams requested that this issue be placed on the agenda for the Regular Council Meeting of October 26, 2004 to discuss policy making.

**The following individuals were recognized:**

Jeffrey Landry asked if annexation was for voting purposes or because the constituents were asking to be brought into the City of Lafayette. He also asked how that portion off of Teurlings Drive, which is in the Parish, could be annexed. Bourgeois answered that if the area is not encroached on by another municipality and if it is feasible, it can be annexed.

(TAPE 3)(SIDE A)(221) AGENDA ITEM NO. 15: Rotation of Public Work crews for grasscutting.

A report was given to the Council on the maintenance schedule for streets, roadside & island acres within the City of Lafayette. A four-week rotation is the normal time interval for a complete cycle, assuming weather patterns and major events. Williams was concerned that a spreadsheet was not included showing the number of frequencies in maintaining rights-of-way and the difference in maintenance on the north and south side of town and in the rural areas. Carroll assured Williams that no particular street is done more than once in one four-week rotation.

Benjamin requested that Carroll ask crews on the bike trails to cut hanging branches on south side of Pinhook Road.

(TAPE 3)(SIDE A)(332) AGENDA ITEM NO. 16: Discuss implementation of the “Last Chance” Program thru Community Development.

*Item 16 was deferred at the request of the Community Development Director.*

**COMMENTS FROM THE PUBLIC**

(TAPE 3)(SIDE A)(333) AGENDA ITEM NO. 17: Comments from the public on other issues.

Calvin Marks had already left the meeting.

Lelia Doucet had already left the meeting.

Patrick Brasseaux requested that the Administration consider providing more funds to the Lafayette Police Department and to make it their Number 1 priority.

Jeffrey Landry thanked President Durel for attending a meeting at the Clifton Chenier Center regarding police brutality and disrespect. He, again, suggested that the Council consider a Citizen’s Investigation Panel to oversee the Police Department. He also mentioned that the Council should have been more lenient with the assessments for apartment complexes. Menard stated that in order for the Council to consider changing an assessment, an appraisal of each complex should have been provided in refute.

Harold Arceneaux had already left the meeting, but wanted to express his thanks to the Council for appointing him to the Lafayette City-Parish President’s Awareness Committee for Citizens with Disabilities.

Andrew Hebert continued his presentation from the last meeting on property taxes.

At the end of three minutes, Hebert requested a continuation. There being an objection from Williams, the Chair called for the vote, as follows:

YEAS: Bourgeois, Benjamin, Conque, Mouton

NAYS: Williams, Menard

ABSENT: Badeaux, Broussard, Stevenson

ABSTAIN: None

*Motion failed.*

**ADJOURN**

(TAPE 3)(SIDE A)(579) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

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NORMA A. DUGAS, CLERK  
LAFAYETTE CITY-PARISH COUNCIL